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October 2, 2017

VIA ECF

The Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

Re: Yu v. Hasaki Rest., Inc. et al., 16 Civ. 6094 (JMF)(RLE)

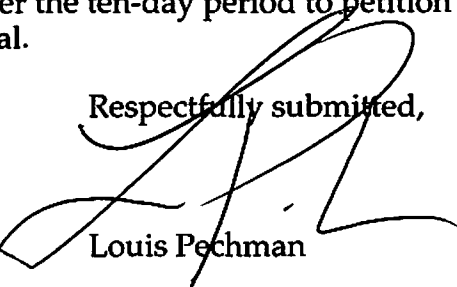
Dear Judge Furman:

We represent the Defendants in the above-referenced matter. This status letter is submitted at the Court's request, regarding Defendants' request to appeal the Court's April 10, 2017 Opinion and prior order to the Second Circuit Court of Appeals. The Court certified its decision for interlocutory appeal and, in order to effect appeal, directed Defendants to file a notice of appeal within ten days. (ECF No. 27 at 14.) Defendants complied, (ECF No. 28), and, over the course of the next month, the Court of Appeals set a briefing schedule.

At that time, counsel discovered that the Notice of Appeal should have been fashioned as a Petition for Permission to Appeal, which was soon thereafter filed. On September 19, 2017, the Petition, and request to deem the Petition timely filed, was submitted to a Second Circuit panel and remains pending before that court. *See* 2d Cir. Dkt. Sht. 17-1067, No. 52.

In the case that the Court of Appeals does not deem the Petition as filed when the Notice of Appeal was filed, and thus untimely, it is Defendants' intent to request reissuance of the Court's Order to retrigger the ten-day period to petition the Court of Appeals to permit the interlocutory appeal.

Respectfully submitted,



Louis Pechman

cc: Jian Hang, Esq. (via ECF)
Keli Liu, Esq. (via ECF)